and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,000, in conformity with section 10 of the act, said bond providing that the product be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13841. Adulteration of cherry chocolates. U. S. v. 3 Dozen Boxes and 297 Boxes of Chocolates. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20159, 20160. I. S. Nos. 20567–v, 20568–v. S. No. W–1736.)

On June 29, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen boxes and 297 boxes of chocolates, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by J. G. McDonald Chocolate Co., from Salt Lake City, Utah, in part December 17, 1924, and in part June 16, 1925, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "McDonald's Drowsy Scotch Cherry Chocolates." The remainder of the said article was labeled: (Carton) "Drowsy Scotch," (cardboard in carton) "J. G. McDonald's Drowsy Scotch."

It was alleged in the libel that the article was adulterated in violation of section 7 of the said act, under "Confectionery," in that it contained a vinous, malt, or spirituous liquor or compound.

On October 6, 1925, the J. G. McDonald Chocolate Co., Salt Lake City, Utah, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be made to conform to the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13842. Misbranding of coffee and jelly, and adulteration and misbranding of sirup. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, $325. (F. & D. No. 19358. I. S. Nos. 12289–v, 20903–v, 20909–v, 20913–v, 20914–v.)

On March 17, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hewlett Bros. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 29 and August 1, 1924, from the State of Utah into the State of Idaho, of quantities of jelly and coffee, respectively, which were misbranded, and on or about July 17 and 23 and August 1, 1924, from the State of Utah into the States of Idaho, Montana, and Wyoming, respectively, of quantities of sirup which was adulterated and misbranded. The coffee was labeled in part: "One Pound Net Weight * * * Coffee * * Hewlett Bros. Co. Salt Lake City Utah." The jelly was labeled in part: "Net Weight 5 Lbs. Luneta Brand Hewlett Bros. Co. Salt Lake City, Utah, Imitation Bakers Jelly." The sirup was labeled in part: "1 Pint 12 Fl. Oz." (or "3⅓ Pints") "Luneta Brand Hewlett Bros. Co. Table Syrup Purity Quality." A portion of the said syrup was further labeled: "Corn Syrup Extra Cane Sugar Imitation Maple Flavor," in relatively small inconspicuous type.

Examination by the Bureau of Chemistry of this department of 30 packages of the coffee showed an average net weight of 15.73 ounces; 4 pails of the bakers jelly showed an approximate weight of 30 pounds each. Examination of a number of packages of the sirup showed that the average volume of the 3⅓ pint size and of the 1 pint 12 fluid ounce size was 3.08 pints and 1 pint 9.5 fluid ounces, respectively. Analysis of the sirup showed that it contained approximately 40 per cent of added glucose, also imitation maple flavor and artificial color.

Adulteration of the sirup was alleged for the reason that a substance, to wit, glucose, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and for the further reason that an artificially colored substance composed mainly of glucose and containing an imitation maple

flavor had been substituted for quality table sirup, which the said article purported to be.

Misbranding was alleged in the information with respect to the coffee and table sirup for the reason that the statements, to wit, "One Pound Net Weight," "1 Pint 12 Fl. Oz.," or "3⅓ Pints," as the case might be, borne on the packages containing the articles, were false and misleading, in that the said statements represented that the packages contained the amounts declared thereon, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts declared thereon, whereas they did not contain the respective quantities declared on the labels but did contain less amounts. Misbranding of the bakers jelly was alleged for the reason that the statement, to wit, "Net Weight 5 Lbs.," borne on the pails containing the article, was false and misleading, in that the said statement represented that the pails contained no more than 5 pounds of the article, whereas each of said pails did contain more than 5 pounds of the said article. Misbranding was alleged with respect to all the products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

Misbranding of the sirup was alleged for the reason that the statements, to wit, "Quality Table Syrup," in large, distinct type, and the statements, to wit, "Corn Syrup Extra Cane Sugar Imitation Maple Flavor," in small indistinct type, borne on the labels, were false and misleading, in that the statement "Quality Table Syrup," in conspicuous type, represented that the article was table sirup of good quality, namely, table sirup devoid of glucose, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was quality table sirup, namely, a table sirup not containing glucose, whereas the said article was not sirup of good quality in that it was composed largely of glucose. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $325.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13843. Adulteration and misbranding of canned clams. U. S. v. 15 Cases of Canned Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20317. I. S. No. 5412-x. S. No. E-5451.)

On September 9, 1925, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of canned clams, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Hinkley, Stevens & Co., from Columbia Falls, Me., on or about May 12, 1925, and transported from the State of Maine into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clams Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Clams Contents 5 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13844. Misbranding of butter. U. S. v. Macon Creamery Co. Plea of guilty. Fine, $25. (F. & D. No. 17950. I. S. No. 6192-v.)

On March 11, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Macon Creamery Co., a corporation, Macon, Miss., alleging shipment by